

1 SENATE BILL 316

2 54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

3 INTRODUCED BY

4 Bill Tallman and Elizabeth "Liz" Thomson

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10 AN ACT

11 RELATING TO AGING; AMENDING A SECTION OF THE CONTINUING CARE  
12 ACT TO ALLOW THE ATTORNEY GENERAL TO INVESTIGATE ALLEGED  
13 VIOLATIONS OF THE CONTINUING CARE ACT REPORTED FROM ANY SOURCE.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 24-17-18 NMSA 1978 (being Laws 1991,  
17 Chapter 263, Section 7) is amended to read:

18 "24-17-18. REPORT TO ATTORNEY GENERAL--CIVIL ACTION--  
19 CIVIL PENALTIES.--

20 A. A person may report a possible violation of the  
21 Continuing Care Act or rules promulgated pursuant to that act  
22 to the attorney general or to the aging and long-term services  
23 department.

24 B. Any time after the [state agency on] aging and  
25 long-term services department issues a notice of violation, the

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1 ~~[state agency on aging]~~ department may send the attorney  
2 general a written report alleging a possible violation of the  
3 Continuing Care Act or any rule adopted pursuant to that act.

4 C. Upon receipt of ~~[that]~~ a report from any source  
5 alleging a violation of the Continuing Care Act or rules  
6 promulgated pursuant to that act, the attorney general shall  
7 promptly conduct an investigation to determine whether grounds  
8 exist for formally finding a violation. If the attorney  
9 general makes that finding, ~~[he]~~ the attorney general shall  
10 file an appropriate action against the alleged violator in a  
11 court of competent jurisdiction.

12 D. Upon finding violations of any provisions of the  
13 Continuing Care Act or any rule adopted pursuant to that act,  
14 the court may impose a civil penalty in the amount of five  
15 dollars (\$5.00) per resident or up to five hundred dollars  
16 (\$500), in the discretion of the court, for each day that the  
17 violation remains uncorrected after the compliance date  
18 stipulated in a notice of violation issued pursuant to the  
19 Continuing Care Act."